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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,345	07/22/2003	Gregory J. Petras	WC01520-2	9776

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EXAMINER
ALI, MOHAMMAD

ART UNIT	PAPER NUMBER
2166	

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/624,345	PETRAS ET AL.
	Examiner	**Art Unit**	
	Mohammad Ali	2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>*12 September 2005*</u>.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *35,36 and 43-84* is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *35,36 and 43-84* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All   b) ☐ Some * c) ☐ None of:
     1. ☐ Certified copies of the priority documents have been received.
     2. ☐ Certified copies of the priority documents have been received in Application No. _____.
     3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This communication is in response to the arguments filed on 09/12/2005.

2.   Examiner considered Applicant's arguments regarding claims 64-85 includes in

the same group claims of 43-63.

        Claims 35-36, and 43-85 are pending in this office action.

Claim Objections

3.   Claims 35-36, 43-85 are objected to because of the following informalities: after

the claim number the sign ")" should replaced with ".".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

5.   Claims 35-36 and 43-85 rejected under 35 U.S.C. 103(a) as being unpatentable

over Plantec et al. ('Plantec' hereinafter), USP 6,826,540 in view of Michael Goldstein

('Goldstein' hereinafter), USPGPUB 2001/0032115.

    With respect to claim 35,

    Plantec teaches an Internet website client-server computer system, for use to

determine by e-mail survey a level of subject approval for each one of a population of

survey participants by capturing each such participant's opinions about the degree of

relevance of each of a respective set of natural language terms to each of a respective

set of subjects (see col. 8, lines 65 to col. 9, lines 7), comprising:

    a) a client interface system arranged so that a survey taker may indicate at least

i) a defined question for the survey, ii) a such set of subjects to be evaluated, iii) a such

set of natural-language terms to be rated as to relevancy to each subject, iv) a

participant audience, and v) a time-frame for response (see col. 8 lines 65 to col. 9,

lines 2-7, Plantec);

b) a server computer processor system connected with said client interface

system (see Fig. 1, Plantec); and c) a server computer software system, operational

with said server computer processor system, arranged to provide survey processing

comprising i) compiling a survey file and survey document in accordance with survey

taker input, ii) communicating such survey document to such participant audience, and

iii) receiving and tabulating responses (see col. 22, lines 36-40, Fig. 5E-F, Plantec).

Plantec does not explicitly indicate claimed relevancy information.

Goldstein teaches relevancy information at para 0017 and 0083.

It would have been obvious to one ordinary skill in the data processing art at the

time of present invention to combine the teachings of the cited references because

relevancy information of Goldstein's teaching would have allowed Plantec's system to

achieve public opinions for their satisfaction as suggested by Goldstein at para 0002.

As to claim 36,

Plantec teaches displaying survey results at a publicized URL (see Fig. 1, col.

10, lines 35-37, Plantec).

With respect to claim 43,

Plantec teaches, an Internet client-server system for assisting at least one group

of users having at least one common goal to capture and search, in a single database,

offered knowledge, relevant to such at least one common goal, of a plurality of such

users for the benefit of at least one of such users (see col. 8, lines 65 to col. 9, lines 7,

Fig. 1-2), comprising: a) individually capturing for such database at least one experience

of at least some of such plurality (see col. 26, lines 19-20, Plantec);

b) storing in such database such experience (see col. 26, lines 19-20, Plantec);

c) user-searching, using at least one natural-language word, to select at least one

desired kind of stored experience (see col. 8, lines 65 to col. 9, lines 7, Fig. 1-2,

Plantec);

d) performing such user-searching (see col. 17, lines 45-55, Plantec); and e)

presenting search results (see Fig. 1, col. 17, lines 1-10, Plantec).

Plantec does not explicitly indicate claimed relevancy information.

Goldstein teaches relevancy information at para 0017 and 0083.

It would have been obvious to one ordinary skill in the data processing art at the

time of present invention to combine the teachings of the cited references because

relevancy information of Goldstein's teaching would have allowed Plantec's system to

achieve public opinions for their satisfaction as suggested by Goldstein at para 0002.

As to claim 44,

Plantec teaches searchably capturing for such database at least one item of such

knowledge selected from the group consisting essentially of a) user-advice b) opinions

of experts c) people who can help d) miscellaneous such knowledge of users (see col.

8, lines 65 to col. 9, lines 7, Figs. 5E-F et seq, Plantec).

As to claim 45,

Plantec teaches a substantially automatic website management system (see Fig.

1, Plantec).

As to claim 46,

Plantec teaches automatically rewarding assisting users for website management assistance (see col. 8, lines 65 to col. 9, line 7 and Fig. 1, Plantec).

As to claim 47,

Plantec teaches a) providing a software management system to directly manage such database and such population of users essentially without outside management (see col. 17, lines 13-20, Plantec); and b) providing for variables in such software management system to be configurable without affecting such direct management operations (see col. 17, lines 13-20 and col. 18, lines 35-40, Plantec); c) wherein such software management system comprises i) measuring management efforts of each of at least one management sub-community (see col. 17, lines 13-20 and col. 4, lines 60-65, Plantec), ii) setting goals for each of such management community (see col. 22, lines 15-22, Plantec), and iii) managing a reward system to reward management efforts of each of such management sub-community (see col. 20, lines 25-40, Plantec).

As to claim 48,

Plantec teaches searchably capturing for such database such knowledge of users concerning useful knowledge sources outside such group of users (see col. 10 lines 19-25, Plantec).

As to claim 49,

Plantec teaches searchably capturing for such database such knowledge of users concerning useful knowledge sources outside such group of users (see col. 10 lines 19-25, Plantec).

As to claim 50,

Plantec teaches a) providing at least one capability for at least one user to complete on-line at least one multiple choice poll (see col. 16, lines 66 to col. 17, lines 5, Plantec); and b) providing at least one reward for such at least one user to completing such at least one multiple choice poll (see col. 17, lines 3-10, Fig. 1, Plantec).

As to claim 51,

Plantec teaches wherein: a) such common goal is sales-oriented (see col. 7, lines 35-39, Plantec); b) such group of users comprises sales personnel (see col. 10 lines 19-25 et seq, Plantec); and c) those receiving such benefit comprise sales personnel (see col. 10 lines 19-25, Plantec).

As to claim 52,

Plantec teaches wherein such step of user-searching, using at least one natural-language word, to select at least one desired kind of stored knowledge (see col. 8, lines 65 to col. 9, lines 7), further comprises: a) selecting, if any, such at least one kind of stored experience associated with chosen such at least one natural language word (see col. 8, lines 65 to col. 9, lines 7); b) selecting, if any, such at least one kind of stored experience in which the text of such at least one stored experience contains the chosen such at least one natural-language word (see col. 26, lines 19-20, Plantec); c) selecting, if any, such at least one kind of stored experience in which the category of such at least one stored experience contains the chosen such at least one natural-language word (see col. 26, lines 19-20, Plantec); and d) selecting, if any, such at least one kind of stored experience in which the title of such at least one stored experience contains the

chosen such at least one natural-language word (see col. 26, lines 19-20 and Fig. 5E, Plantec).

As to claim 53,

Plantec teaches automatically managing a reward system to reward efforts of such at least one user (see col. 10, lines 19-20, Fig. 1 et seq Plantec).

As to claim 54,

Plantec teaches a) automatically measuring and storing each experience contribution, including users' comments made by each such at least one user (see col. 26, lines 19-20, Plantec); b) assigning points to be accumulated for each such experience contribution (see col. 26, lines 19-20, Plantec); c) automatically accumulating assigned points for each such experience contribution by each such at least one user (see col. 26, lines 19-20, Plantec); d) automatically reporting such points accumulated for each such experience contribution (see col. 26, lines 19-20, Plantec); e) defining at least one criteria for awarding prizes based on such accumulated points (see col. 26, lines 19-20 et seq, Plantec); and f) automatically awarding prizes to such at least one user with accumulated points meeting such at least one criteria (see col. 26, lines 19-20, Plantec).

As to claim 55,

Plantec teaches a) managing such database and such group of users essentially without customer website management (see col. 10, lines 20-25, Plantec); b) permitting at least one customer to configure a plurality of variables in such computer software for such managing of such database (see col. 10, lines 20-25, Plantec); c) automatically

setting goals for each such user participating in at least one management community

(see col. 10, lines 20-25, Plantec); and d) automatically managing a reward system to

reward management efforts of each of such at least one user of such at least one

management community (see col. 10, lines 20-25 and Fig. 1, Plantec).

As to claim 56,

Plantec teaches a) rating the relative overall value of each such at least one item

of such experience according to the opinion of each of such involved subset of such

population of users (see col. 26, lines 19-20, Plantec); b) collecting comments about

each at least one item of such experience according to the opinion of each of such

involved subset of such population of users (see col. 26, lines 19-20, Plantec); and c)

associating, in such database, respective such ratings of relative overall value and

respective such collected comments with respective such at least one item of such

experience (see col. 26, lines 19-20 and col. 10, lines 20-25, Plantec).

As to claim 57,

Plantec teaches automatically accumulating system operation data (see col. 26,

lines 19-20, Plantec).

As to claim 58,

Plantec teaches wherein such system operation data comprises: a) data about

compliance with such set of performance goals for each of at least one involved subset

of such population of users (see col. 26, lines 19-20, Plantec); b) data about each type

of such stored experience (see col. 26, lines 19-20, Plantec); c) data about such reward

system (see col. 26, lines 19-20, Plantec); and d) data about interviews of each of such

involved subset of such population of users (see col. 26, lines 19-20 and col. 10, lines

19-25, Plantec).

As to claim 59,

Plantec teaches permitting such at least one user to view successively more

detailed levels of such automatically accumulated system operation data (see col. 26,

lines 19-20, Fig. 1 et seq Plantec).

As to claim 60,

Plantec teaches a) requesting installation of at least one independent database

access module onto the personal computer of such at least one user (see col. 10, lines

19-25, Plantec); b) permitting selection, using such independent database access

module, of at least one category of such knowledge for display by such at least one

user (see col. 26, lines 19-20 and col. 10, lines 19-25, Plantec); c) automatically

searching, using such at least one independent database access module, such

database, without need of a browser, for at least one selected category of such

knowledge from such database (see col. 22, lines 50-54, Plantec); and d) displaying,

using such at least one independent database access module, found knowledge from

such at least one pre-determined category of such knowledge from such database to

such at least one user (see col. 26, lines 19-20, and Abstract, Plantec).

As to claim 61,

Plantec teaches a) displaying continuously at least one selected type of such

pre-determined information from at least one pre-determined category of such

knowledge from such knowledge stored in such database to such at least one user (see

col. 26, lines 19-20, and col. 22, lines 50-54 Plantec); and b) scrolling a display of at least one selected type of such pre-determined information from at least one pre-determined category of such knowledge from such knowledge stored in such database to such at least one user (see col. 26, lines 19-20 et seq, Plantec).

As to claim 62,

Plantec teaches a) making specific requests for information from information stored in such database by such at least one user (see col. 22, lines 19-20, Fig. 1, Plantec).

As to claim 63,

Plantec teaches a) receiving at least one request for information from such at least one user (see col. 26, lines 19-20 and col. 2, lines 60-67, Plantec); b) storing such at least one request for information (see col. 26, lines 19-20 and col. 2, lines 59-65, Plantec); c) notifying designated other such at least one user with particular expertise about such at least one request for information (see col. 26, lines 19-20, Plantec); d) storing such at least one request for information and at least one response by such at least one user with particular expertise as such at least one experience (see col. 26, lines 19-20, Plantec); and e) notifying such at least one user, requesting information, of such at least one experience containing such at least one request and such at least one response (see col. 26, lines 19-20 and col. 1, lines 7-10, Plantec).

Claims 64-85 have the same subject matter as of claims 43-63 and essentially rejected for the same reasons as discussed above.

Remarks

6.   Applicant's argue that Goldstein is not considered as a prior art because

applicant's claimed provisional date February 10, 2000.

In response to the applicant's arguments the Examiner respectfully submits that

Goldstein reference claimed non-provisional (60/171,578) priority date December 23,

1999 and which is considered as a prior art. Therefore Examiner does not agreed with

the Applicant's argument and the 103 rejections are sustained.

Applicant's argue that none of the references does not teach "natural

language,...."

In response to the applicant's arguments the Examiner respectfully submits that

Plantec teaches particular limitations as virtual human interface is a bridge between

humans and technology built from artificial intelligence and natural language

components. Because it recognizes and understands human communication on one

side and technology communication on the other, the virtual human interface can

translate meaning between the two. In the survey context, the virtual human

interface can ask questions in human terms, receive responses provided in human

terms, translate the responses into machine terms, perform machine-based

processing on the machine terms, and then translate the machine-processed

information back into human terms for communication to a human, see col. 8, lines 63

to col. 9, lines 7, Plantec.

In response to applicant's argument on page 4, *a prima facie case of*

obviousness is established when the teachings from the prior art itself would appear to

have suggested the claimed subject matter to a person of ordinary skill in the art. Once

such a case is established, it is incumbent upon appellant to go forward with objective

evidence of unobviousness. In re Fielder, 471 F.2d 640, 176 USPQ 300 (CCPA 1973).

Examiner is entitled to give claim limitations their broadest reasonable

interpretation in light of the specification.

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest

reasonable interpretation consistent with the specification.' Applicant always has the

opportunity to amend the claims during prosecussion and broad interpretation by the

examiner reduces the possibility that the claim, once issued, will be interpreted more

broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

Reference is made to MPEP 2144.01 - Implicit Disclosure

"[I]n considering the disclosure of a reference, it is proper to take into account not only
specific teachings of the reference but also the inferences which one skilled in the art
would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826,
159 USPQ 342, 344 (CCPA 1968)

Subsequent to an analysis of the claims it was revealed that a number of

limitations recited in the claims belong in the prior art and thus encompassed and/or

implicitly disclosed in the reference (s) applied and cited. It is logical for the examiner to

focus on the limitations that are "crux of the invention" and not involve a lot of energy

and time for the things that are not central to the invention, but peripheral. The examiner

is aware of the duties to address each and every element of claims, however, it is also

important that a person prosecuting a patent application before the Office or an

stakeholders of patent granting process make effort to understand the level of one of

ordinary skill in the (data processing) art or the level one of skilled in the (data

processing) art, as encompassed by the applied and cited references. The administrative convenience derived from such a cooperation between the attorneys and examiners benefits the Office as well the patentee.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action.

For the above reasons, Examiner believed that rejection of the last Office action was proper.

In response to applicant's argument, to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

"Test of obviousness is not whether features of secondary reference may be bodily incorporated into primary reference's structure, nor whether claimed invention is expressly suggested in any one or all of references; rather, test is what combined teachings of references would have suggested to those of ordinary skill in art."

In re Keller, Terry, and Davies, 208 USPQ 871 (CCPA 1981).

"Reason, suggestion, or motivation to combine two or more prior art references in single invention may come from references themselves, from knowledge of those skilled in art that certain references or disclosures in references are known to be of interest in particular field, or from nature of problem to be solved;" Pro-Mold and Tool Co. v. Great Lakes Plastics Inc. U.S. Court of Appeals Federal Circuit 37 USPQ2d 1626 Decided February 7, 1996 Nos. 95-1171, -

1181

"[q]uestion is whether there is something in prior art as whole to suggest desirability, and thus obviousness, of making combination." Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company et al. U.S. Court of Appeals Federal Circuit 221 USPQ 481 Decided Mar. 21, 1984 No 83-1178.

Contact Information

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Ali
Primary Examiner
Art Unit 2166